

Amendments to Drawings:

The attached sheet 4/4 of drawings includes changes to FIG. 10. This sheet 4/4, which includes FIGS. 8-10, replaces the original sheet 4/4 including FIGS. 8-10. In FIG. 10, the numerical identifier "1h" has been removed.

Attachment: Replacement Sheet
Annotated Sheet Showing Changes

REMARKS

Without acquiescing to the propriety of the rejections in the Office Action dated July 26, 2007, claims 1-9 have been amended and new claims 11-19 have been added. Entry of the amendments, reconsideration of the present patent application and allowance of all claims pending herein are respectfully requested in view of the remarks below. Claims 1-19 are now pending.

Drawing Objections:

The drawings stand objected to as including reference number “1h” in FIG. 10, without sufficient description in the specification. This numeral has been removed from the drawing and thus this objection is believed to be overcome.

Specification Objection:

The abstract of the disclosure was objected to as including “said panel”. Instead, “the panel” has been substituted. Thus, this objection is believed to be overcome.

§ 112 Rejections:

Claims 1-9 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. In particular, claim 1 was objected to for including the phrase “its thickness”. Claim 3 was objected to because the term “has arrangement” is alleged to make this claim indefinite. Further the limitation “the ground” in claim 3 is alleged not to have sufficient antecedent basis. Claim 7 stands rejected as reciting the limitation “pouring of concrete” which is alleged to not have sufficient antecedent basis. Claim 8 is rejected because the limitation “its height” is also alleged not to have sufficient antecedent basis.

Claim 1 has been amended to recite the upper horizontal flange having a thickness. Claim 3 has been amended to clarify that the arrangements are engageable with anchoring members. Also, applicant respectfully disagrees that the use of “the ground” is indefinite since it would be clear to a reader what “the ground” refers to. However, this claim has been amended to recite “a ground portion”. Further, applicant respectfully disagrees that “the pouring of concrete”

would be indefinite, but this claim has been amended to remove “the” before this phrase which is believed to overcome the antecedent basis rejection. Claim 8 has been amended to clarify that the outer face includes a height. In view of the noted amendments, applicant submits that the rejections have been overcome.

§ 103 Rejections:

Claims 1-8 stand rejected as being obvious over Wilson (U.S. Patent No. 5,590,493) in view of Jerit (U.S. Patent No. 3,667,187), and in further view of Laven (U.S. Patent No. 4,124,907). In particular, Wilson is alleged to disclose all the features of claim 1 except for the panel being between 1000 mm and 2000 mm, which is alleged to be disclosed by Jerit, and an upper horizontal flange having in its thickness a profile groove, which is alleged to be disclosed by Lavin.

Amended claim 1 of the present application recites, *inter alia*, a panel for producing a swimming pool which includes the panel being produced by compression injection-molding of a recycled plastic in order to achieve a length of between 1000 mm and 2000 mm, a thickness of approximately 7-8 mm with a plurality of stiffening ridges overhanging an outer face of the panel and a base of the ridge being approximately 6-7 mm. An upper horizontal flange has a thickness including a profile groove for engagement and clamping of the protective sheet for a liner covering an inner face of the panel.

Wilson discloses a panel structure for the side walls of an in-ground pool which includes vertical lines of weakening to allow it to assume various arcuate configurations, both concave and convex. Such arrangement allows a single panel to be used for either straight or curved wall sections. The present invention obtains modular panels to produce a swimming pool which have lengths of between 1 and 2 meters as recited in claim 1. Such panels are produced using an injection-compression production process using a recycled plastic material.

As indicated above, Wilson is alleged to teach all the features of claim 1 except for a panel between 1 meter and 2 meters and a profile groove in a horizontal flange thereof. However, there is no disclosure in Wilson of a panel produced by compression injection-molding utilizing recycled plastic materials. Further, there is no disclosure in this reference of a plurality

of stiffening ribs overhanging an outer face of the panel. Instead, Wilson discloses panel 10 being made of plastic as described in column 1, lines 57-62 as indicated in the Office Action, but there is no disclosure of compression injection-molding of recycled plastic. Further, there is not even an allegation in the Office Action relative to compression injection-molding or recycled plastic relative to claim 1. Such omission is an error which affects applicant's ability to respond to the Office Action. Accordingly, applicant respectfully requests that the Office Action be corrected and reissued if the arguments and amendments in the present response do not overcome the objections and rejections according to MPEP § 710.06.

Moreover, Wilson discloses vertical flanges 30 (i.e., alleged to be stiffening ribs) but such flanges do not overhang an outer face of the panel. Applicant is referred to FIG. 4 in the Office Action, but the flanges depicted therein are clearly radially inside of outer surfaces of the panel depicted. Accordingly, because all the features (e.g., a panel produced by compression injection-molding of recycled plastic and stiffening ribs overhanging an outer face of the panel) alleged to be taught by Wilson are not disclosed, taught, or suggested thereby, claim 1 cannot be obvious over the proposed combination of references. Accordingly, claim 1 is believed to be allowable along with claim 10 and the dependent claims which are believed to be allowable for the same reasons and for their own additional features.

The Office Action also rejects claim 10 as being obvious over Wilson, Jerit, Lavin, and further in view of Desjoyaux (U.S. Patent No. 6,295,771). Desjoyaux is related to EPO 382649 referenced in paragraph 2 of the present application, both of which are owned by the assignee of the present application. The Office Action acknowledges that Wilson, in view of Jerit and Lavin do not disclose compression injection-molding of a plastic. However, Desjoyaux et al. is alleged to disclose the use of injection-molding for swimming pool formation. Applicant respectfully disagrees that this reference discloses an injection-compression process to produce swimming pools. The cited paragraphs mention the use of plastic and injection molding, but there is no disclosure, teaching or suggestion of a compression injection-molding process nor the use of recycled plastic for such a process.

Moreover, Desjoyaux discloses panels having a length of approximately 0.25 meters as described in column 1, lines 8-25 of the reference. Accordingly, this reference teaches away

from panels having a length of between 1 meter and 2 meter as recited in claims 1 and 10 and teaches away from the proposed combination with Jerit which is alleged to disclose panels of between 1 meter and 2 meters.

As described in the background section of the present application, conventional plastics injection-molding does not allow larger panels (e.g., 1 meter to 2 meters) to be made with an acceptable degree of straightness. Applicant has solved this problem via utilizing compression-injection molding to produce swimming pools made from a recycled plastic. None of the cited references disclose compression injection-molding to produce swimming pool panels, nor the use of recycled plastic in such a process to produce such panels. Further, there would be no reason to utilize such a process to produce swimming pool panels from the cited references and instead the proposed combination is mere hindsight in view of the features of claims 1 and 10 of the present application. Such hindsight reconstruction is improper. Thus, independent claims 1 and 10, and the dependent claims, are believed to be allowable.

New Claims:

Claims 11-19 have been added. Support for these claims may be found in original claims 1-9 along with the specification, and thus no new matter has been added.

CONCLUSION

It is believed that the application is in condition for allowance, and such action is respectfully requested.

If a telephone conference would be of assistance in advancing prosecution of the subject application, the Examiner is invited to telephone the undersigned attorney at the telephone number provided.

Respectfully submitted,



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Attachments